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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/093,271 | 06/08/1998 | TOSHIYA FUJII | 50L1801/897 | 7030 |
| 24272 | 7590 | 03/03/2004 | EXAMINER | |
| Gregory J. Koerner Simon & Koerner LLP 10052 Pasadena Avenue, Suite B Cupertino, CA 95014 | | | HUYNH, SON P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 03/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

DM

Advisory Action

Application No.

09/093,271

Applicant(s)

FUJII, TOSHIYA

Examiner

Son P Huynh

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 20,40 and 43-54.

Claim(s) withdrawn from consideration: 55.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: amendments to the claims such as " the video data received from a video programming source" in claim 43, and new claim 55, change the scope of the claims and require further search and consideration.

Applicant argues the finality of the Office Action (Paper No. 10) is not appropriate because Applicant has not had an opportunity to respond to the new grounds of rejections.

In response, the Office Action (paper No. 10) was issued in response to the Amendment filed on August 25, 2003 (Paper No. 9). Amendments to the claims 20, 40, 43-47, and new added claims 48-54, change the scope of the claims and require further search and consideration. Therefore, the finality of the Office Action (paper No. 10) is appropriate.

Applicant requests to provide specific references to support examiner's conclusion of "obvious to one or ordinary skill in the art" for claims 20, 40, 43, 45, 46, 47, 51 and 53. Specifically, the format manager copies the page data to create duplicate page data (claims 20, 40, 45); scroll value is positive when the Internet page data is scrolled down and negative when the page data is scrolled upwards (claims 20, 40, 43) ; the format manager recomputes the current position each time the page data is scrolled on the display device (claims 20, 40, 46); recomputing by combining a prior reference position and a scroll value (claim 47); horizontal location, vertical location, horizontal size, vertical size are selectable by utilizing a remote control device (claim 53); the format manager automatically reformats the text data and the graphic data from the page data each time the page data is scrolled on the display.

In response, examiner provides U.S Patent No. 6,184,878 to support "copying page data to create duplicate page data" (see col. 4, line 65+) as claimed in claims 20, 40, 45; US Patent No (s): 6,222,541; 6,157,381 to support "recomputes the current position each time the Internet

page data is scrolled on the display device" (col. 5, line 55+) as claimed in claims 20, 40, 46; "recomputing by combining a prior reference position and a scroll value" (col. 9, line 22+) as claimed in claim 47; and scroll value is being positive/negative when the page is scrolled down/upwards respectively, depends on the programmer in order to achieve programmer's desired; US Patent No.(s) 6,510,557 (col. 3, lines 33+); 6,204,485 (figure 12); 5,959,621 (figure 3) to support horizontal location, vertical location, horizontal size, vertical size are selectable by utilizing a remote control device as claimed in claim 53; US Patent No.(s) 5,897,644 and 5,844,620 to support the format manager automatically reformats the text data and the graphic data.

Applicant also argues Klosterman does not teach downloading "Internet page data", inserting "video data received from a video programming source"; scrolling of the background Internet page data.

In response, the above limitations were not cited in the claims filed on 8/25/2003. Claims 20, 40 recite "copying page data to create duplicate page... inserting a video tag into the page data... and the page data being scrollable...." Klosterman discloses a page data comprises video window 688 and being scrollable by up/down arrows (figure 6d and col. 9, line 54+). Necessarily, the system comprises format manager to format the page and a processor for processing and the data display on the screen and a video tag of video window 688 is inserted in the page data as shown in figure 6d.

With regarding claim 44, Applicant argues the cited references fails to teach or disclose positioning "a video tag to vertically locate the video window on the display device in relation to a current reference position on the display device".

In response, Klosterman disclose video window 688 is vertically displayed on the page, the video window can be enlarged (figure 6d and col. 9, line 54+). Necessarily, the video tag to vertically locate the video window on the display for displaying the video window 688 vertically. The current reference position can be the borders of the page, words on the page, etc.

With regarding claim 46, Applicant argues Klosterman fails to teaches scrolling page data of the background document.

In response, "scrolling page data of the background document" is not recited in the claim.

With regarding claim 48, Applicant argues Judson fails to disclose "video source parameter."

In response, Klosterman disclose video source of video window 688 (figure 6d). Furthermore, Judson discloses object source parameter (PTO seal , www.uspto.gov/lehman4.gif, etc. – figure 6). Judson further discloses HTTP provides users access to files (which can be in different formats such as text, graphics, images, sound, video, etc.)- col. 1, lines 21+. Therefore, it would have been obvious to one of ordinary skill in the art to modify Klosterman to use the teaching as taught by Judson in order to display a predetermined object on the page. Therefore, the combination is proper.

With regarding claims 50-52, Applicant argues Coleman discloses television program can be reformatted when the program guide is displayed in a partial screen mode" (col. 3, lines 19-21). Coleman teaches reformatting video programming. Therefore, the reformatting process of Coleman is not reformatting of Internet page data.

In response, Page data is already taught by Klosterman. Coleman teaches reformatting data display on the screen as admitted by Applicant. Therefore, it would have been obvious to one of ordinary skill in the art to modify Klosterman to use the teaching as taught by Coleman in order to maximize the use of space on the screen. Therefore, the combination is proper.


Applicant argues the cited references, in combination with the Official Notice, do not suggest a combination. Therefore, the obviousness rejections under 35 U.S.C 103 are improper.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Klosterman discloses page data as shown in figure 6d, the page data comprises video window 688 for displaying video from video source. The video window can be enlarged by clicking on the video window. The page data is scrollable using up/down arrows (figure 6d and col. 9, line 50+). Necessarily, the system comprises a format manager for formatting the page data as shown in figure 6d, a processor for processing and controlling the data so that page data and video data in window 688 simultaneously displayed on screen; a video tag for video window 688 is inserted into the page. Alonso discloses copying page data to create duplicate page (col. 4, line 65+). Therefore, it would have been obvious to modify Klosterman to use the teaching as taught by Alonso in order to allow page data developer to work on the page without changing data on original page. Bates discloses calculating position of the slider of the data page (figures 4-6 and col. 8, line 17+). The scroll value is

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positive/negative when the page is scrolled down/up depends on page developer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention as made to modify Klosterman and Alonso to use the teaching as taught by Bate in order to display data according to new position of the page thereby allow user to easily control the display.

For reasons give above, the combinations of references for rejection under 35 U.S.C 103 is proper. Therefore, the rejection in the Office Action mailed on 11/24/2003 (Paper No. 10) is maintained.



VIVEK SRIVASTAVA
PRIMARY EXAMINER